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UNITED STATES DISTRICT COURT

APR 14 2023

for the
Third District of AlaskaCLERK, U.S. DISTRICT COURT
ANCHORAGE, AK

Anchorage Division

Case No. 3:23-cv-00082-SLG

(to be filled in by the Clerk's Office)

Azja Banks

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

UNIVERSITY OF ALASKA ANCHORAGE,
UNIVERSITY OF
ALASKA BOARD OF REGENTS AND
UNIVERSITY OF ALASKA SYSTEM

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Azja Banks		
Address	9620 Morningside Loop Apt 14		
	Anchorage	Alaska	99515
	City	State	Zip Code
County	Anchorage		
Telephone Number	907-346-7465		
E-Mail Address	azjabanks24@gmail.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	University of Alaska Anchorage		
Job or Title (if known)			
Address	3211 Providence Dr		
	Anchorage	AK	99508
	City	State	Zip Code
County	Anchorage		
Telephone Number	907-786-1800		
E-Mail Address (if known)			

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name	University of Alaska Board of Regents and University of Alaska System		
Job or Title (if known)			
Address	P.O. Box 757780		
	Fairbanks	Alaska	99775-7780
	City	State	Zip Code
County	Fairbanks		
Telephone Number	907-450-8019		
E-Mail Address (if known)	ua-sogov-office@alaska.edu		

☐ Individual capacity ☒ Official capacity

Defendant No. 3

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity ☐ Official capacity

Defendant No. 4

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

The Violations of;

1. the 1st Amendment: including Libelous publications and Slander
 2. 4th Amendment: Protects right of Unreasonable Searches and Seizures to include digital possessions
 3. 5th Amendment: Protection of being deprived of life, liberty, or property without due process of law.
 4. 14th Amendment: No State shall deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
 5. 28 U.S. Code § 4101(Defamation): forms of speech are false, have caused damage to reputation or emotional distress, have presented any person in a false light, or have resulted in criticism, dishonor, or condemnation of any person.
 6. Title IX of the Education Amendments Act of 1972("Title IX claim"), 20 U.S.C. § 1681-1688: prohibits sex (including pregnancy, sexual orientation, and gender identity) discrimination in any education program or activity receiving federal financial assistance.
 7. 34 C.F.R. Part 106: Detailed regulation on Title 9 regarding schools receiving federal funding.
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- C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?
-

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
1. Due to the fact that the University of Alaska receives federal funding and is subject to Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681(a), this court hold the appropriate jurisdiction to oversee this case.
 2. University of Alaska receives federal funding and is subject to Title IX of the 6 Education Amendments of 1972, 20 U.S.C. § 1681(a).
 3. The University of Alaska System at all times throughout the duration of this investigative process had authority over University of Alaska Anchorage its administration, faculty, staff and students.
 4. This Court has jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. §1367. Venue is proper in the Anchorage division of the United States District Court in the District of Alaska under 28 U.S.C. § 1391 because Defendant University is in the Anchorage Division of the District of Alaska, and is subject to this personal jurisdiction; and the unlawful conduct herein occurred within Anchorage.
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III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

The University of Alaska Anchorage's OEC Office , the RESPONDENT's apartment located in Anchorage, Alaska, and the University of Alaska Anchorage Campus and Residents. Please refer to the attached document discussing the complaint for detailed relevance of each location.

B. What date and approximate time did the events giving rise to your claim(s) occur?

Please Refer to the Attached Document for specific dates of specific events, I will list major events in the space provided. UAA Office of Equity and Compliance(OEC) received complaint on November 14, 2016. Investigation started about March 3,2017. On July 31, 2019 Notice of Outcome issued, shortly after I was given 5 day to submit and August 5, 2019 I submitted my Notice to Appeal, then on April 28, 2021 Final Appeal Decision was sent to me via email. Following the Appeal Decision I sent my Complaint to OCR on June 22, 2021, in which they accepted my case on July 8, 2021 . After telephonic and email correspondence it was ultimately decided that OCR will conduct an investigation into my complaint, which is still ongoing as of March 2, 2023.

C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

REFER TO ATTACHED DOCUMENT FOR ALL CLAIMS. ALL OF CLAIMS CANNOT FIT IN THE PROVIDED SECTION.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

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2 UNITED STATES DISTRICT COURT FOR
3 THE THIRD DISTRICT OF ALASKA

4 AZJA BANKS,
5
6 Plaintiff,

7 vs.

8 UNIVERSITY OF ALASKA ANCHORAGE,
9 UNIVERSITY OF ALASKA BOARD OF REGENTS
10 AND UNIVERSITY OF ALASKA SYSTEM

11 Defendant

Case No.: Number

JURY TRIAL DEMANDED

1 **STATEMENT OF CLAIM**

2 1. On or about November 14, 2016, at 03:26, the UAA Office of Equity and
3 Compliance(OEC) received a Title IX COMPLAINANT from a Resident Advisor on my behalf. UAA
4 OEC failed to investigate this initial COMPLAINANT. An investigation only commenced after I
5 dropped out and went back to OEC office on or about March 3, 2017.

6 2. OEC took 989 days longer than their policy allows to publish the "Outcome and
7 Final Investigation Report" on July 31, 2019. Then they only gave me 5 calendar days to file my appeal
8 of their decision. And cumulatively took 1,099 day long to complete the investigation when I was
9 emailed the "Decision on Appeal" on April 28, 2021. This investigation has now been ongoing for 6
10 years now and due to my limited resources they have attempted to undermine me every step of the way.

11 3. During the pending investigation the University hired the RESPONDENT to be an
12 orientation leader and promoted images on University websites displaying him as a role model, UAA
13 OEC was notified, but took no actions to remedy the issue, the photographs are still on the University
14 website as of April 4, 2023.

15 4. Over the multi-year investigation, RESPONDENT was able to complete collegiate
16 athletic career, while I was not able to pursue this liberty.

17 5. OEC failed to record interviews of the RESPONDENT and his witnesses, yet my
18 interviews was recorded as were some of my witnesses' interviews. Concerns regarding disparate
19 treatments pointed out by my attorney advisor, but OEC made no changes to investigative discrepancies.

20 6. UAA OEC acknowledged that they knew that the electronic message evidence was
21 manipulated, but still inputted two none related messages into the "Outcome and Final Investigation
22 Report" that had 4 missing messages in-between them. The manipulation and merging of my words in
23 conversation with the RESPONDENT shows that the UAA OEC was deliberately indifferent and
24 engaged in defamatory and retaliatory behavior in an effort to meet a predefined narrative and
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1 continuance sexual discriminatory actions. Further they published the Final Investigation Report to the
2 RESPONDENT and other parties, where it can be used to attack my character and credibility indefinitely.

3 7. I COMPLAINANT stated that no consent of sexual intercourse was given on
4 December 21, 2016 and that RESPONDENT's actions was forceful and constituted as rape. The
5 RESPONDENT was asked about this particular date by OEC investigator in which he stated "I would
6 just say she just picked a date or something. I don't know. I really don't remember." UAA OEC later
7 determined that since the RESPONDENT and I the COMPLAINANT was able to assert a fixed date in
8 which Plan B was used, that sexual incidents did occur. Also electronic messages provided by
9 respondent on January 8, 2017 further contradicted himself after he stated that nothing happened.
10 Noting these events UAA ultimately determined that consent was given only based on the statements of
11 the RESPONDENT.
12

13 8. UAA OEC failed to further add that within this timeframe which was mentioned in
14 the Final Investigation report as between December 19-20, I had a vaginal infection that is defined to
15 cause pain and discomfort, which would naturally prompt a request to not engage in sexual actions and
16 substantiate that I said "no" to the RESPONDENT.
17

18 9. OEC further disregarded concerns of disparities by conducting further unrecorded
19 interviews of two track teammates and former roommates of the RESPONDENT who were added to the
20 investigation as witnesses that would presumably speak favorably of the RESPONDENT as they had
21 been his roommates as recently as 2018.

22 10. In the rebuttal to protect my name from libelous defamation I was forced to bring
23 forward traumatic email messages from a past rape, UAA OEC invaded my rights to privacy, after
24 WITNESS 14 was allowed to make false statements even after I explained to OEC staff that WITNESS
25 14 was engaging in retaliatory behavior by bringing private and past pain to OEC in an attempt to hurt
26 me after my boyfriend told him that his actions of victim shaming and bullying was wrong. OEC was
27 notified about the reasons that WITNESS 14 would have to retaliate, but disregarded and refused to
28 take
take

1 any information.

2 11. UAA Appeals investigator Danée Pontious was determined to protect the
3 Universities original outcome of no responsibility, in the "Decision on Appeal" document she made
4 deliberate errors and obvious misrepresentation of the text message conversation between myself and
5 WITNESS 14(ex-boyfriend) not my husband, where he expressed support in helping me work through
6 the investigation hardships. These text messages contradicted the statements made by WITNESS 14 in
7 the "Outcome and Final Investigation Report" stating "he doesn't believe COMPLAINANT's story about
8 RESPONDENT because she has accused other ex-boyfriends of rape in the past." Further as stated in
9 the "Notice of Appeal" the only investigation that was suspended was APD's investigation in 2017,
10 which make these claims that show the continuation to undermine my credibility and shows that even in
11 the "Decision on Appeal" the assigned investigating authority was biased and malicious since they had
12 the clarification needed to know that the conversation happened before the investigation was completed
13 way before the "Outcome and Final Investigation Report" was released on July 31, 2019.

15 12. UAA Appeals investigator Danée Pontious committed acts of deliberate
16 indifference and injustice to the community when the RESPONDENT stated on October 11, 2017, in the
17 "Outcome and Final Investigation Report" that "the COMPLAINANT never spoke to him about consent
18 or talked about respecting her boundaries when she told him no." This statement clearly demonstrates
19 that the RESPONDENT was told no. And based on the time he had already spent on campus and other
20 statements throughout the report as a trained employee/student of UAA he clearly knew what no meant.
21 This statement also proves that the RESPONDENT was told no in the past about the matters involving
22 sexual assault and rape regarding this case. Danée Pontious committed acts of deliberate indifference and
23 sex discrimination against me in the benefit of the RESPONDENT and the UAA OEC when she
24 excluded a response regarding this statement from the "Decision on Appeal", this statement proves that
25 he was told no regarding sex. This statement was highlighted and submitted with the Notice of Appeal
26 on August 5, 2019.
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1 13. WITNESS 1 sent a Facebook messages to me stating that the RESPONDENT
2 sexually assaulted her during the time of the investigation, but did not report it because she was ashamed
3 and married to the RESPONDENT. She also stated that the RESPONDENT "has the full conversations
4 between you and him on his deactivated Facebook account, and he did not provide all of the messages".
5 Also she stated that she know that he will delete them all because "title 9"(referring to UAA OEC) will
6 send screenshots of our conversation to RESPONDENT. These statements from WITNESS 1 who the
7 UAA OEC gathered statements from to protect the RESPONDENT shows that the UAA OEC staff was
8 engaging in deliberate acts to protect the RESPONDENT. WITNESS 1 had direct involvement with the
9 way in which the OEC staff interacted with the RESPONDENT and her statements described a corrupted
10 and biased process that violated my right to a fair and equal process.
11

12 14. In the Final Appeal Decision, the appointed OEC appeal investigator addressed
13 Employee 2's statement that I was "all over the board". Regardless of the speculative analysis that she
14 conducted, it is a fact that UAA OEC used language with negative connotation towards me throughout
15 the investigation, then attacked my character. This statement combined with the other deliberate
16 fractured quotes of statements that was made by me in electronic messages and during the OEC
17 "interviews"(the word interview is written in quotes to relay the effects that quotations can have)
18 contributed to the defamatory nature of the "Outcome and Final Investigation".
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Sexual Assault, Rape, Physical and Mental Sexual Traumas, Revictimization, Intentional Infliction of Emotional Distress, Severe depression, and overwhelming anxiety lose of my will to keep going, severe self hate and self-degradation, isolation, and Post Traumatic Stress.

Also I suffered from anxiety after being bullied and victim shamed on campus I ended up being isolated from my friend and foster family

Loss of education and professional opportunities in a safe campus environment free from sex discrimination.

Defamation of my character and Resilencing.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

RESPONDENT identified in Outcome and Final Investigative Report be removed from all University posters, certificate, degrees and digital media.

University issue a formal appology.

Financial relief for past, present, and future loss of liberties that I was not able to enjoy due to the loss of my ability to enjoy education free from harm, retaliation and victim shaming.

Injunctive Relief/Punitive damages that will hold the university accountable and protect other women that find their voice to be strong enough to seek justice; a safe and equitable environment that protect thier right to due process and the liberties of having a right to eductation regardless of socioeconomic status.

Relief for the costs and lost opportunity that are associated with restarting a formal education with consideration of the socioeconomic clasification that I was classified as during the entire duration of these investigations, my current economical/social limitations and any future limitations as prior stated that this Civil Complaint process will incur.

Compensation of the Costs to File Complaint and cost related to any future attorney fees and costs associated with filling this claim.

With these considerations I am requesting an amount of \$1,800,000 for relief .

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 04/11/2023

Signature of Plaintiff

Printed Name of Plaintiff

Azja Banks

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address